

Congress of the United States

House of Representatives

Washington, DC 20515-2107

October 16, 2010

The Honorable Julius Genchowski
Chairman
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

The failure of News Corp. (FOX) and Cablevision to reach a negotiated retransmission agreement by this morning's deadline deprives Cablevision customers in New York, New Jersey and Connecticut of FOX programming that they expect and value. I make no representations as to the merits of either side's position, as these are contractual discussions between private parties, and I encourage both parties to remain engaged in good faith negotiations.

However, as the primary House author of the Cable Act of 1992, which included the retransmission consent provision in the law, in addition to monitoring the ongoing commercial negotiation by the parties, the Commission's broader public interest role requires the agency to take regulatory note of the unique circumstances in the New York area. These include the difficulty of many consumers in multiple dwelling units (MDUs) to obtain a free over-the-air signal in their apartments and the difficulty of consumers in MDUs to install satellite dishes or switch to other pay TV alternatives in a timely fashion. The fact that millions of New York area customers live in such MDUs frustrates the exercise of marketplace alternatives typically available in such disputes, namely obtaining either a free over-the-air signal or quickly subscribing to another pay TV service.

In addition, I am particularly concerned by reports that access to Internet-based video from FOX is being blocked selectively for Cablevision broadband customers. This is not only contrary to the Commission's Broadband Internet Policy Statement of 2005, which states, in part, that "...consumers are entitled to access the lawful Internet content of their choice." The tying of cable TV subscription to access to Internet fare freely available to other consumers is a very serious concern. Consumers are losing their freedom to access the Internet content of their choice - through no fault of their own - and this is patently anti-consumer. The FCC needs to more than monitor negotiations in such circumstances in my view. It needs to actively defend Internet freedom and consumer rights.

Clearly, the public interest would be served if carriage is restored by the parties at the earliest possible opportunity so that consumers are no longer disadvantaged as a result of this dispute. Accordingly, I request that you take action to bring the parties together so these negotiations can be concluded in an equitable and expeditious manner. Consumers should not be caught in the middle.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward Markey